

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Samantha Siva Kumaran, et al.,

Plaintiffs,

-against-

National Futures Association, et al.

Defendants.

1:20-cv-03668 (GHW) (SDA)

**Samantha Siva Kumaran and Nefertiti Risk
Capital Management, LLC,**

Plaintiffs,

-against-

ADM Investor Services, Inc.,

Defendant.

1:20-cv-03873 (GHW) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Before the Court are motions by Plaintiffs for sanctions against Randy Kleinman, former counsel for the corporate plaintiffs (the “Nefertiti Plaintiffs”) in the above-captioned actions, as well as related motions to compel. (See Cross-Mot. for Sanctions, 20-CV-03668 ECF No. 341, 20-CV-03873 ECF No. 257; Mot. to Compel, 20-CV-3668 ECF No. 337, 20-CV-03873 ECF No. 253.) For the reasons set forth below, the motions are DENIED to the extent they are brought by Plaintiff Kumaran individually and otherwise DENIED WITHOUT PREJUDICE.


Plaintiff Kumaran filed the motions to compel and cross-motions for sanctions purportedly on behalf of herself and “as representative on behalf of NRCM.” (See Cross-Mot. for Sanctions, 20-CV-03668 ECF No. 341 at PDF p. 1, 20-CV-03873 ECF No. 257 at PDF p.1; Mot. to

Compel, 20-CV-3668 ECF No. 337 at PDF p. 1, 20-CV-03873 ECF No. 253 at PDF p.1.) However, because Attorney Kleinman never represented Plaintiff Kumaran individually in these actions, the motions properly are made by NRCM only and any motion asserted by Plaintiff Kumaran individually is denied. Moreover, as previously set forth by the Court on numerous occasions, Plaintiff Kumaran cannot litigate on behalf of NRCM, or any other corporate plaintiff, in these actions. Thus, although, as the client representative for NRCM, Kumaran herself may provide affidavits or testimony in support of NRCM's motions, she is not permitted to act as its counsel. NRCM first must appear through new counsel before it can prosecute its motions against Attorney Kleinman.

Accordingly, NRCM's motions to compel and cross-motions for sanctions are denied without prejudice to renewal by new counsel for NRCM. The Court continues to retain jurisdiction over Attorney Kleinman for purposes of the sanctions dispute and any renewed motions by NRCM. NRCM shall file any renewed motion to compel and/or motion for sanctions no later than February 1, 2024.

SO ORDERED.

Dated: New York, New York
December 20, 2023



STEWART D. AARON
United States Magistrate Judge